

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CHARLES BRIZENDINE,**

**Plaintiff,**

**VS.**

**CITY OF OMAHA, et al.,**

## Defendants.

**8:07CV277**

## ORDER

This matter is before the magistrate judge by consent of the parties. On May 5, 2008, a hearing was held on the motion [26] of Timothy L. Ashford for leave to withdraw as plaintiff's counsel. Plaintiff, Charles Brizendine, attended the hearing personally and advised the court that he intended to retain substitute counsel. Plaintiff was ordered to procure the appearance of substitute counsel no later than May 23, 2008.

As discussed in open court on May 5, 2008,

**IT IS ORDERED:**

1. The Motion to Withdraw [26] is granted. Mr. Ashford is given leave to withdraw as counsel for plaintiff, Charles Brizendine, and the court will terminate his appearance as counsel of record.
2. If substitute counsel does not enter a written appearance in this court before the close of business on **May 23, 2008** in full compliance with NEGenR 1.3(d)<sup>1</sup>, then the

<sup>1</sup>In this court, an attorney makes an appearance in a case by (1) filing a written entry of appearance or signed pleading, or (2) personally appearing at a hearing or proceeding. An attorney who has orally entered an appearance shall promptly file and serve a written appearance. A written appearance or pleading signed by an attorney must show the attorney's bar number, office address, telephone number, fax number, and e-mail address.

plaintiff, Charles Brizendine, will be deemed to be proceeding *pro se*, that is, without the assistance of counsel. The plaintiff may retain substitute counsel at any time; however, until such time as substitute counsel enters a written appearance, the plaintiff shall personally comply with all orders of this court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs and attorney's fees and/or the dismissal of the action, pursuant to Rule 37 of the Federal Rules of Civil Procedure.

3. Plaintiff, Charles Brizendine, is given a final extension of time until **May 30, 2008** to file his written response in opposition to the defendants' pending Motion for Summary Judgment [19]. The motion will be deemed ripe for decision on Monday, June 2, 2008.

**DATED May 7, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**